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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on September 14, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-2001-8781 - 27

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of: United Air Lines, Inc. filed 9/7/2001

XX Waiver from 90-day dormancy condition:

By Order 2001-6-11 the Department authorized United Air Lines to conduct third-country code-share services in the U.S.-Ankara, Turkey market, effective June 18, 2001, with Lufthansa German Airlines. In addition, the Department allocated United seven weekly frequencies to operate its code-share service. The frequencies are subject to the condition that they expire automatically and revert to the Department for reallocation if they are not used for a period of 90 days. Under the terms of the awards, United's frequencies would revert automatically to the Department on September 16, 2001, unless United begins service by that date. The carrier states that it has been unable to date to secure the necessary authorization from the Government of Turkey to begin service. Accordingly, it seeks a waiver of the 90-day dormancy condition to enable the carrier to begin its new services within 30 days after approval from the Turkish Government.

Applicant reps: Jeffrey A. Manley (202) 663-6670 DOT Analyst: Gerald Caolo (202) 366-2406

DISPOSITION

XX Granted for 90 days (see remarks below)

The above action was effective when taken: September 14, 2001, through December 13, 2001.¹

Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

Remarks: We believe in the circumstances presented that extension of the dormancy period for 90 days will be sufficient to meet United's concerns. Our action, of course, is without prejudice to the filing of an additional waiver request should circumstances warrant.

¹ United's waiver from the dormancy condition is effective until December 13, 2001. If United does not begin service by December 13, 2001, its frequency allocation expires automatically. The 90-day dormancy period will begin on the date United begins service.

We acted on this application without awaiting expiration of the 7-day answer period with the consent of all the carrier and civic parties served.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the exemption authority was consistent with the public interest; and (3) grant of the authority would not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR § 385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*